

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA - RICHMOND DIVISION**

**CHAPTER 13 PLAN - MODIFIED
AND RELATED MOTIONS**

Name of Debtor(s): **Carol Ann Handford**

Case No: **05-38356-DOT**

This plan, dated **October 1, 2007**, is:

- ☐ the *first* Chapter 13 plan filed in this case.
- ☒ a modified plan, which replaces the plan dated **October 3, 2005**.

Date and Time of Modified Plan Confirming Hearing:
November 7, 2007 at 11:00 a.m.

Place of Modified Plan Confirmation Hearing:
1100 E. Main St. #335, Richmond, VA 23219

The plan provisions modified by this filing are:

1: modify plan funding; 2-B: provide for priority claims; 3-B: provide for secured claim

Creditors affected by this modification are:

Onyx Acceptance Corporation, City of Richmond

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than ten (10) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: **\$187,836.00**

Total Non-Priority Unsecured Debt: **\$25,514.30**

Total Priority Debt: **\$36.90**

Total Secured Debt: **\$149,504.71**

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of **\$369.57 Monthly for 23 months, then \$520.00 Monthly for 37 months**. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ 27,740.11 .

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid 10% of all sums disbursed except for funds returned to the debtor(s).
2. Debtor(s)' attorney will be paid \$ 1,780.00 balance due of the total fee of \$ 1,780.00 concurrently with or prior to the payments to remaining creditors.

B. Claims under 11 U.S.C. § 507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Estimated Claim</u>	<u>Payment and Term</u>
City of Richmond	Taxes and certain other debts	36.90	Prorata 1 months

3. **Secured Creditors and Motions to Value Collateral.**

This paragraph provides for claims of creditors who hold debts that are secured by real or personal property of the debtors(s) but (a) are not secured solely by the debtor(s)' principal residence and (b) do not have a remaining term longer than the length of this plan.

A. Claims to Which § 506 Valuation is NOT Applicable. Claims listed in this subsection consist of debts secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor for which the debt was incurred within 910 days of the filing of the bankruptcy petition, or if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). **Upon confirmation of the plan, the interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) <u>Creditor</u>	(b) <u>Collateral</u>	(c) <u>Purchase Date</u>	(d) <u>Est Claim Amt</u>	(e) <u>Interest Rate</u>	(f) <u>Monthly Paymt& Estimate Term**</u>
-NONE-					

B. Claims to Which §506 Valuation is Applicable. Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 3.A. After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. **Upon confirmation of the plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) <u>Creditor</u>	(b) <u>Collateral</u>	(c) <u>Purchase Date</u>	(d) <u>Replacement Value</u>	(e) <u>Interest Rate</u>	(f) <u>Monthly Paymt& Estimate Term**</u>
City of Richmond	Taxes		5,079.86	0%	84.66 60 months
Onyx Acceptance Corporation	1999 Lexus 300 - 75,000 miles		15,175.00	6.5%	354.13 36 months

**** THE MONTHLY PAYMENT STATED HERE SHALL BE THE ADEQUATE PROTECTION PAYMENTS PURSUANT TO 1326(a)(1)(C) TO THESE CREDITORS UNLESS OTHERWISE PROVIDED IN PARAGRAPH 11 OR BY SEPARATE ORDER OF THE COURT.**

- C. Collateral to be surrendered.** Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled shall be paid as a non-priority unsecured claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Estimated Total Claim</u>	<u>Full Satisfaction (Y/N)</u>
-NONE-			

4. Unsecured Claims.

- A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 16 %. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately 0 %.

- B. Separately classified unsecured claims.**

<u>Creditor</u>	<u>Basis for Classification</u>	<u>Treatment</u>
-NONE-		

5. Long Term Debts and claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

- A. Debtor(s) to pay claim directly.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Estimated Cure Period</u>	<u>Monthly Arrearage Payment</u>
Bank of New York/Countrywide	Single family home located at 4816 Cutshaw Avenue, Richmond, VA 23230	890.50	925.00	6.85%	6 months	Prorata

- B. Trustee to pay the contract payments and the arrearages.** The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made either pro rata with other secured claims or by fixed monthly payments as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Term for Arrearage</u>	<u>Monthly Arrearage Payment</u>
-NONE-						

6. Executory Contracts and Unexpired Leases. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

- A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u>	<u>Type of Contract</u>
-NONE-	

- B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Type of Contract</u>	<u>Arrearage</u>	<u>Monthly Payment for Arrears</u>	<u>Estimated Cure Period</u>
-NONE-				

7. Motions to Avoid Liens.

- A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u>	<u>Collateral</u>	<u>Exemption Basis and Amount</u>	<u>Value of Collateral</u>
-NONE-			

- B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for informational purposes only.

<u>Creditor</u>	<u>Type of Lien</u>	<u>Description of Collateral</u>	<u>Basis for Avoidance</u>
-NONE-			

8. Treatment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

- 9. Vesting of Property of the Estate.** Property of the estate shall revert in the debtor(s) upon confirmation of the plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.
- 10. Incurrence of indebtedness.** During the term of the plan, the debtor(s) shall not voluntarily incur additional indebtedness in an amount exceeding \$5,000 without approval of the court.
- 11. Other provisions of this plan:**
Explanation of B.2.a.2: \$1,780 = \$1,500 fee plus \$ 280 costs

Signatures:

Dated: October 1, 2007

/s/ Carol Ann Handford
Carol Ann Handford
Debtor

/s/ James M. Flaherty VSB
James M. Flaherty VSB 68148
Debtor's Attorney

Exhibits: **Copy of Debtor(s)' Budget (Schedules I and J);
Matrix of Parties Served with plan**

Certificate of Service

I certify that on October 1, 2007, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ James M. Flaherty VSB
James M. Flaherty VSB 68148
Signature

P.O. Box 11588
Richmond, VA 23230-1588
Address

(804) 358-9900
Telephone No.

Ver. 06/28/06 [effective 09/01/06]

In re **Carol Ann Handford**

Debtor(s)

Case No. **05-38356-DOT****SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - MODIFIED**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by a married debtor in a chapter 12 or 13 case whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
Single	RELATIONSHIP None.	AGE
EMPLOYMENT	DEBTOR	SPOUSE
Occupation	Production	
Name of Employer	Old Dominion Window & Door	
How long employed	since 5/97	
Address of Employer		

INCOME: (Estimate of average monthly income)

Current monthly gross wages, salary, and commissions (pro rate if not paid monthly)

Estimated monthly overtime

DEBTOR	SPOUSE
\$ 1,925.56	\$ N/A
\$ 0.00	\$ N/A
\$ 1,925.56	\$ N/A

SUBTOTAL

LESS PAYROLL DEDUCTIONS

a. Payroll taxes and social security

b. Insurance

c. Union dues

d. Other (Specify) **disability insurance**

\$ 403.78	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 97.80	\$ N/A
\$ 0.00	\$ N/A

SUBTOTAL OF PAYROLL DEDUCTIONS

\$ 501.58	\$ N/A
\$ 1,423.98	\$ N/A

TOTAL NET MONTHLY TAKE HOME PAY

Regular income from operation of business or profession or farm (attach detailed statement)

Income from real property

Interest and dividends

Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above

Social security or other government assistance

(Specify)

\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A

Pension or retirement income

Other monthly income

(Specify)

See Detailed Income Attachment

\$ 875.00	\$ N/A
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TOTAL MONTHLY INCOME

\$ 2,298.98	\$ N/A
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TOTAL COMBINED MONTHLY INCOME \$ **2,298.98**

(Report also on Summary of Schedules)

Describe any increase or decrease of more than 10% in any of the above categories anticipated to occur within the year following the filing of this document:

In re Carol Ann Handford
Debtor(s)

Case No. 05-38356-DOT

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - MODIFIED
Detailed Income Attachment

Other Monthly Income:

Federal and state tax refunds amortized	\$ 175.00	\$ N/A
Part-time income	\$ 200.00	\$ N/A
contribution form mother	\$ 500.00	\$ N/A
Total Other Monthly Income	\$ 875.00	\$ N/A

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - MODIFIED

Complete this schedule by estimating the average monthly expenses of the debtor and the debtor's family. Pro rate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

Rent or home mortgage payment (include lot rented for mobile home)		\$	890.50
Are real estate taxes included?	Yes <u> </u> No <u>X</u>		
Is property insurance included?	Yes <u> </u> No <u>X</u>		
Utilities:			
Electricity and heating fuel		\$	100.00
Water and sewer		\$	30.00
Telephone		\$	55.00
Other		\$	0.00
Home maintenance (repairs and upkeep)		\$	0.00
Food		\$	235.00
Clothing		\$	10.00
Laundry and dry cleaning		\$	0.00
Medical and dental expenses		\$	10.00
Transportation (not including car payments)		\$	100.00
Recreation, clubs and entertainment, newspapers, magazines, etc.		\$	0.00
Charitable contributions		\$	0.00
Insurance (not deducted from wages or included in home mortgage payments)			
Homeowner's or renter's		\$	30.00
Life		\$	0.00
Health		\$	0.00
Auto		\$	105.00
Other		\$	0.00
Taxes (not deducted from wages or included in home mortgage payments)			
(Specify) See Detailed Expense Attachment		\$	175.00
Installment payments: (In chapter 12 and 13 cases, do not list payments to be included in the plan.)			
Auto		\$	0.00
Other		\$	0.00
Other		\$	0.00
Other		\$	0.00
Alimony, maintenance, and support paid to others		\$	0.00
Payments for support of additional dependents not living at your home		\$	0.00
Regular expenses from operation of business, profession, or farm (attach detailed statement)		\$	0.00
Other haircuts and personal grooming		\$	10.00
Other misc. expenses		\$	28.00
TOTAL MONTHLY EXPENSES (Report also on Summary of Schedules)		\$	1,778.50

[FOR CHAPTER 12 AND 13 DEBTORS ONLY]

Provide the information requested below, including whether plan payments are to be made bi-weekly, monthly, annually, or at some other regular interval.

A. Total projected monthly income		\$	2,298.98
B. Total projected monthly expenses		\$	1,778.50
C. Excess income (A minus B)		\$	520.48
D. Total amount to be paid into plan each	Monthly	\$	520.00
	(interval)		

In re Carol Ann Handford
Debtor(s)

Case No. 05-38356-DOT

SCHEDULE J. CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - MODIFIED
Detailed Expense Attachment

Specific Tax Expenditures:

Real estate taxes amortized	\$	166.00
Personal property taxes amortized	\$	9.00
Total Tax Expenditures	\$	175.00

Office of the US Trustee
600 East Main Street
Suite 301
Richmond, VA 23219

Bank of New York/Countrywide
Attn: Bankruptcy Dept
P.O. Box 660694
Dallas, TX 75266-0694

Bon Secours Richmond Health Sy
RE: Bankruptcy
P.O. Box 28538
Richmond, VA 23228

CAB
RE: VA Emerg Assoc
306 E. Grace Street
Richmond, VA 23219-1718

Capital One
P.O. Box 70884
Charlotte, NC 28272-0884

Capital One
Re: Bankruptcy
P.O. Box 85015
Richmond, VA 23285

Capital One
Attn: Bankruptcy Dept
1957 Westmoreland Drive
Richmond, VA 23276-5617

Caudle & Ballato, P.C.
Re: Richmond City
3123 West Broad Street
Richmond, VA 23230

CBUSA
PO BOX 9714
Gray, TN 37615

Citi Cards
P.O.Box 91600
Albuquerque, NM 87199

Citibank SD
RE: Home Depot HIL
PO BOX 15687
Wilmington, DE 19850-5687

City of Richmond
Dept. of Finance/ Tax Enforce.
900 E. Broad St., Room 100
Richmond, VA 23219

Cosmetique
Re: Bankruptcy
31 Park Ln
New Milford, CT 06776

Duvera Financial
Re: Stores Online
5620 Paseo Del Norte #127-233
Carlsbad, CA 92008

GC Services
RE: Cosmetique
P.O. Box 36796
Houston, TX 77236

GEMB/ Dilla
PO Box 52005
Phoenix, AZ 85072

Home Depot
Attn: Bankruptcy Dept
P.O. Box 103047
Roswell, GA 30076

Lillian McClain
4816 Cutshaw Avenue
Richmond, VA 23230

NCO Fin
PO BOX 41625
Philadelphia, PA 19101-1625

Onyx Acceptance Corporation
Attn: Bankruptcy
PO BOX 530532
Atlanta, GA 30353-0532

Providian Processing Service
Attn: Bankruptcy Department
P.O. Box 660784
Dallas, TX 75266-0784

Publishers Clearing Hous
Attn: Bankruptcy Dept
P.O. Box 26304
Lehigh Valley, PA 18002-6304

Reader Service
P.O. Box 9025
Buffalo, NY 14269

Shell
PO BOX 183018
Columbus, OH 43218-3018

Stores Online
6642 S 193rd Pl
N-107
Kent, WA 98032

The Ramsey Law Firm, P.C.
Po Box 201347
Arlington, TX 76006

Universal/ Citibank
8787 Baypines
Jacksonville, FL 32201

Virginia Emergency Associates
PO BOX 791178
Baltimore, MD 21279